



**DEDHAM CONSERVATION COMMISSION**  
**REQUEST FOR A DETERMINATION OF APPLICABILITY**  
**INSTRUCTIONS**  
**MGL Ch. 131 § 40 and**  
**Town of Dedham Wetlands Protection By-Law**  
**Chapter 28**

A Request for a Determination of Applicability (RDA) is used for activities occurring only in the Buffer Zone to a Wetland Resource Area or in a Riverfront Area, and which do not require significant conditions. It may also be filed when work is proposed close to a potentially jurisdictional area in order to have the Conservation Commission verify whether or not it has jurisdiction over the proposed work. Work proposed within a Wetland Resource Area or new construction/site disturbance within a previously undisturbed area of the Buffer Zone will require the filing of a Notice of Intent (NOI).

The following activities within the Buffer Zone **do not** require filing with the Conservation Commission:

- Unpaved pedestrian walkways for private use, provided there is no tree or shrub clearing;
- Fencing, provided it will not constitute a barrier to wildlife movement;
- Stone walls;
- Stacks of cordwood;
- Plantings of native species of trees, shrubs or groundcover, but excluding turf lawns;
- The conversion of impervious to vegetated surfaces, provided erosion and sedimentation controls are implemented during construction, and
- Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g. installation of monitoring wells, exploratory borings, sediment sampling and surveying)

The following activities, if occurring **more than 50 feet** from the edge of a Wetlands Resource Area, do not require filing with the Conservation Commission:

- Vista pruning;
- The conversion of lawn to uses accessory to residential structures such as decks, patios, and pools, provided erosion and sedimentation controls are implemented during construction.

All other work proposed within 100 feet of a Wetland Resource Area requires the filing of an RDA or NOI application.

### **Step 1**

Download the application form (WPA Form 1) and the Instructions for Completing Application WPA Form 1 from the Massachusetts Department of Environmental Protection (DEP) website (<http://www.mass.gov/eea/agencies/massdep/water/watersheds/wetlands-protection.html>).

Printed copies may also be obtained from the Conservation Office at Town Hall, 26 Bryant St., Dedham, MA. Please read the instructions.

### **Step 2**

Plan your submission date based on the meeting schedule, available on the Conservation Department website ([www.dedham-ma.gov](http://www.dedham-ma.gov)). The Dedham Conservation Commission generally meets the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of every month. Applications are due by noon on Tuesday, ten days prior to the meeting date, in order to allow sufficient time for legal notices to be published.

### **Step 3**

Using the instructions, complete WPA Form 1. If you have questions, please call the Conservation Office. Note that there is a section on the form for a “Representative”. You may wish to obtain professional assistance from a consultant, engineer or land surveyor in the preparation of a plan to accompany the application.

### **Plan Checklist**

The following should be included on the plan submitted with the application:

- Title
- Date
- Existing Conditions
  - Buildings & Structures
  - Pavement
  - Tree line
- Wetlands on or within 200 feet of the subject property
- Proposed Conditions
  - Buildings & Structures
  - Pavement
  - Limits of proposed work
- Distance between proposed work and closest Wetland Resource Area

***Plans that do not depict wetland resource boundaries and approximate distances from proposed work will not be accepted.***

#### **Step 4**

Contact the Dedham Assessor's office and obtain a Certified Abutters List of all of the property owners within a 300 foot radius of the subject property. The applicant is responsible for notifying each abutter via either certified mail, return receipt requested or via certificates of mailing. Samples of a Notification to Abutters and an Affidavit of Service are attached and are available on the Conservation Commission website.

#### **Step 5**

Once a complete RDA application has been received, the project will be reviewed for the next available Conservation Commission public meeting. The applicant or representative must be present at the scheduled public meeting

#### **Step 6**

The Conservation Commission or its agent will likely require a site visit to confirm existing conditions prior to the public meeting. The applicant will be contacted to arrange a time for the site visit.

A Complete Request for a Determination of Applicability Submission should include:

1. A completed and signed original WPA Form 1
2. A plot plan at least 8 1/2" x 11" in size, showing the location and dimensions of the proposed work, along with a narrative description of the work. (*see the Plan Checklist in Step 3*)
3. A copy of the Certified Abutters List issued by the Dedham Assessor's office
4. A copy of the Notification to Abutters
5. A completed and signed original Affidavit of Service
6. A check in the amount of \$50.00, made out to the Town of Dedham, as payment of the local by-law filing fee
7. Electronic (pdf) files of the application and accompanying documents (email to [conservation@dedham-ma.gov](mailto:conservation@dedham-ma.gov))

**Nine (9) copies of the completed application and plans should be submitted to the Conservation Office. One copy of the application must be submitted to the Massachusetts Department of Environmental Protection Northeast Regional Office at 205B Lowell Street, Wilmington, MA 01887.**

A legal notice, for which you will be invoiced, will be placed in the Dedham Times by the Conservation Commission. The meeting agenda is posted at Town Hall and on the Town website at least 48 hours prior to the meeting.